

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61912 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANTOSH CHAUDHARY S/O Bhujhawan Chaudhary R/O Village-
Rasulpur Wazid, P.S- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8(C)/21(b) of the N.D.P.S. Act.

Prosecution case relates to recovery of 18 gm smack from the possession of the petitioner and 27 gm smack from the possession of co-accused, Vipul Kumar. Accordingly, the seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged recovery of smack or with the co-accused. The alleged recovery of smack is 18



gram from the possession of the petitioner which does not come under the purview of the commercial quantity and the charge-sheet has been submitted against the petitioner without obtaining the report of FSL. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 1.10.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ahiyapur P.S. Case No. 663 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd, Muzaffarpur.

(Sunil Kumar Panwar, J)

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